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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mark Choo et al.

Application No.: 09/424,482

Filed: February 29, 2000

For: NUCLEIC ACID BINDING
POLYPEPTIDE LIBRARY

Customer No.: 20350

Confirmation No. 8038

Examiner: Wessendorf, T.

Technology Center/Art Unit: 1639

Submission Regarding Information
Disclosure Statement

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An RCE is being filed together with this submission to determine whether the information disclosure statement filed December 7, 2001 has been considered, and if not to have it considered.

An information disclosure statement was submitted December 7, 2001 with copies of cited references. A copy of a postcard showing receipt by the PTO of the information disclosure statement and references is attached.

In the subsequent two years of prosecuting the case, the Examiner provided no indication to applicants that the references accompanying the information disclosure statement had not been received. Nevertheless, when the case was allowed, the Examiner returned a copy of the information disclosure statement with a diagonal line drawn through the references. Applicants have made numerous calls to the Examiner to try to determine whether in fact the references have been considered. However, the Examiner has replied that she has not access to the file to determine this matter.

By this submission, applicants request the Examiner inform them by telephone whether the information disclosure statement has been considered. If the information disclosure statement has been considered, applicants request the case be passed to allowance (with the amendments made in the 1.312 submission). If the information disclosure statement has not

been considered, applicants request the Examiner telephone them to discuss any needed remedial action, such as resubmission of references, needed for be considered. In this event, applicants maintain that the claims are allowable for the reasons given in the appeal brief, and request reallocation of the application (with the amendments made in the 1.312 submission).

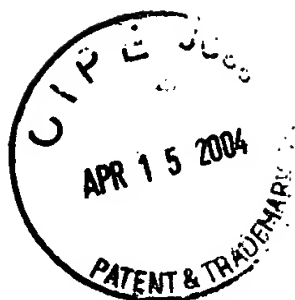
If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



Joe Liebeschuetz
Reg. No. 37,505

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
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Fax: 415-576-0300
Attachments
JOL:jol
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TO THE U.S. PATENT AND TRADEMARK OFFICE:

Accompanying this postcard are the documents listed below.
Please stamp the date of your receipt, and return this card to us as
evidence of their safe and complete arrival.

Documents:

- 1) Supplemental Information Disclosure Statement Under 37 CFR §1.97U.L. and §1.98
- 2) Form PTO/SB/08A/08B
- 3) 180 References
- 4) Return Postcard

Applicant: Choo et al.

Application No.: 09/424,482

Filing Date: February 29, 2000

For: NUCLEIC ACID BINDING POLYPEPTIDE

Date Due:

Date of Mailing: 12/7/2001

Attorney: JOL sec. crf

Attorney Docket: 019496-006210US

